

Peter Torreano) [5:99-cv-21164] (gm) [Entry date 06/04/01]  
[Edit date 06/05/01] [5:99cv21164]

- 6/4/01 347 OPPOSITION by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion to dismiss and strike allegations of inequitable conduct [345-1] [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/4/01 348 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of opposition [347-1] [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 349 BRIEF FILED by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 regarding documents [327-1] [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 350 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of brief [349-1] [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 351 DECLARATION by Lee Bendekgey supporting the sealing of Reply Brief on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 352 DECLARATION by Lee Bendekgey supporting the sealing of Second Amended Answer on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 353 DECLARATION by Lee Bendekgey supporting the sealing of opposition on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 354 DECLARATION by Lee Bendekgey supporting the sealing of motion for a protective order on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
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- 6/5/01 355 DECLARATION by Lee Bendekgey supporting the sealing of exhibit C to declaration on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]
- 6/5/01 356 DECLARATION by Lee Bendekgey supporting the sealing of opposition on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [5:99cv21164]

- 6/5/01 357 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [357-1], declaration [356-1], declaration [355-1], declaration [354-1], declaration [353-1], declaration [352-1], declaration [351-1] [5:99-cv-21164] (gm) [Entry date 06/06/01] [Edit date 06/11/01] [5:99cv21164]
- 6/6/01 358 BRIEF FILED re: Application of Local Rule 79-5 by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/06/01] [Edit date 06/11/01] [5:99cv21164]
- 6/6/01 359 STIPULATION for confidential documents testimony and information [5:99-cv-21164] (gm) [Entry date 06/06/01] [Edit date 06/11/01] [5:99cv21164]
- 6/7/01 360 RESPONSE to Incyte's Brief re: draft order denying requests to file documents under seal by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 06/11/01] [5:99cv21164]
- 6/11/01 361 REPLY BRIEF by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion to dismiss and strike allegations of inequitable conduct [345-1] [5:99-cv-21164] (gm) [Entry date 06/12/01] [5:99cv21164]
- 6/18/01 362 ORDER granting motion to file motion under seal [328-1], granting motion to file under seal exhibit C attached to the declaration of Catherine A. Moore [318-1], granting motion to file under seal materials previously submitted to Special Master Ambler [314-1] ( Date Entered: 6/22/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 06/22/01] [5:99cv21164]
- 6/18/01 363 EXHIBITS G and H to declaration of Jayna R. Whitt [326-1] [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 364 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
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- 6/18/01 365 REPLY by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 366 BRIEF FILED explanation of at least one ground of relevancy of the recently produced documents from the 2013.2 application by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]

- 6/18/01 367 DECLARATION by Ethan B. Andelman - exhibit 5 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 368 DECLARATION by Ethan B. Andelman exhibit 10 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 369 DECLARATION by Ethan B. Andelman exhibit 23 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 370 DECLARATION by Ethan B. Andelman exhibit 24 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 371 DECLARATION by Ethan B. Andelman exhibit 25 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
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- 6/18/01 372 DECLARATION by Ethan B. Andelman exhibit 27 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 373 DECLARATION by Ethan B. Andelman exhibit 30 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 374 DECLARATION by Ethan B. Andelman exhibit 31 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for

order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]

- 6/18/01 375 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 376 NOTICE OF MOTION AND MOTION by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 for order holding plaintiff Affymetrix, Inc. in civil contempt re production of file histories (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 377 DECLARATION by Don F. Livornese on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt re production of file histories [376-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 -- RECEIVED Proposed Order ( defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for order holding plaintiff Affymetrix, Inc. in civil contempt re production of file histories [376-1] [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
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- 6/18/01 378 DECLARATION by Ethan B. Andelman exhibit 39 on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for order holding plaintiff Affymetrix, Inc. in civil contempt regarding commercial success production [282-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 379 REPLY by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of its motion for an order compelling Incyte to produce materials relating to its nucleic acid arrays (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 380 SECOND AMENDED ANSWER to complaint [1-1] and COUNTERCLAIM; jury demand by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 against Plaintiff Affymetrix, Inc. in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]
- 6/18/01 381 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for leave to file supplemental declaration of Jeerey L. Arrington re: Incyte's motion for contempt re: Patent file histories (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 06/28/01] [5:99cv21164]

6/27/01 382 ORDER denying motion to compel information relating to Incyte's interrogatory responses [312-1] by Special Master ( Date Entered: 7/3/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

6/27/01 383 ORDER denying motion for protective order and supporting declaration of Vern Norviel [211-1] ( Date Entered: 7/3/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

6/27/01 384 ORDER granting in part and denying in part motion to increase Incyte's allotted number of depositions and interrogatories [302-1] ( Date Entered: 7/3/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

6/27/01 385 ORDER granting motion to compel production of certain technical documents [307-1] ( Date Entered: 7/3/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

6/27/01 386 ORDER finding the motion to compel information relating to Incyte's interrogatory responses [312-1] moot. ( Date Entered: 7/3/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

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6/27/01 -- RECEIVED Proposed Order ( Special Master Read Ambler in 5:99-cv-21164) re: motion for leave to file supplemental declaration of Jeerey L. Arrington re: Incyte's motion for contempt re: Patent file histories [381-1], re: motion for order holding plaintiff Affymetrix, Inc. in civil contempt re production of file histories [376-1] [5:99-cv-21164] (gm) [Entry date 07/03/01] [5:99cv21164]

6/29/01 387 SUPPLEMENTAL REPORT AND RECOMMENDATION by Special Master (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/05/01] [5:99cv21164]

7/2/01 -- RECEIVED Proposed Order regarding withdrawal of counsel ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) [5:99-cv-21164] (gm) [Entry date 07/05/01] [5:99cv21164]

7/9/01 388 ORDER by Judge Jeremy Fogel withdrawing attorney attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164 ( Date Entered: 7/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/10/01] [5:99cv21164]

7/9/01 389 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Submission of evidence [5:99-cv-21164] (gm) [Entry date 07/10/01] [5:99cv21164]

7/9/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Submission of

- evidence [389-1] [5:99-cv-21164] (gm) [Entry date 07/10/01] [5:99cv21164]
- 7/11/01 390 MOTION by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [5:99-cv-21164] (gm) [Entry date 07/13/01] [5:99cv21164]
- 7/11/01 391 OBJECTIONS by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 to Affymetrix' submission of additional evidence pursuant to the Special Master's letter order [5:99-cv-21164] (gm) [Entry date 07/13/01] [5:99cv21164]
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- 7/11/01 392 MEMORANDUM by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [390-1] [5:99-cv-21164] (gm) [Entry date 07/13/01] [5:99cv21164]
- 7/11/01 -- RECEIVED Proposed Order ( defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [390-1] [5:99-cv-21164] (gm) [Entry date 07/13/01] [5:99cv21164]
- 7/11/01 393 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], memorandum [392-1], objection [391-1], motion for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [390-1] [5:99-cv-21164] (gm) [Entry date 07/13/01] [5:99cv21164]
- 7/13/01 394 RESPONSE by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 re objection [391-1] [5:99-cv-21164] (gm) [Entry date 07/18/01] [5:99cv21164]
- 7/13/01 395 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [390-1] [5:99-cv-21164] (gm) [Entry date 07/18/01] [5:99cv21164]
- 7/13/01 396 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/16/01 397 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for leave to file surreply memorandum in support of motion for an order holding Affymetrix, Inc. in civil contempt regarding commercial success production [390-1] [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]



- 7/16/01 398 STIPULATION and PROTECTIVE ORDER by Special Master Read Ambler : for confidential documents, testimony and information (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/16/01 399 ORDER granting motion to file under seal Submission of evidence [389-1] ( Date Entered: 7/20/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
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- 7/16/01 400 SUBMISSION OF EVIDENCE IN OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for order holding plaintiff Affymetrix, Inc. in civil contempt re production of file histories [376-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/16/01 401 ORDER by Judge Jeremy Fogel denying defendants' Ex Parte motion for leave to submit suppleemntary material in opposition to Affymertix' motion for reconsideration of two definitions in 1/22/01 claims construction order ( Date Entered: 7/20/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/16/01 402 ORDER by Special Master Hon. Read Ambler reopening argument re: Incyte's moiton for sanctions regarding commercial success production ( Date Entered: 7/20/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/16/01 479 REQUEST by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Affymetrix' submission of evidence in opposition to Incyte's motion for contempt re: commercial success; supporting declaration fo Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 7/17/01 403 REPORTER'S TRANSCRIPT; Date of proceedings: 7/16/01 ( C/R: Peter Torreano) [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/18/01 404 MINUTES: ( C/R Peter Torreano) INITIAL CASE MANAGEMENT CONFERENCE HELD. Discovery cutoff 9/28/01 ; deadline for discovery from experts is 12/17/01 ; All dispositive motions will be filed by 1/28/02 ; deadline for pre-trial filings is 3/18/02 ; Pre-trial conference will be held 9:30 3/22/02 ; Trial set for 1:30 4/8/02 ; [5:99-cv-21164] (gm) [Entry date 07/20/01] [5:99cv21164]
- 7/19/01 405 PROOF OF SERVICE by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 of Scheduling order withdrawing attorney attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney Elizabeth A. Howard for Affymetrix, Inc. in 5:99-cv-21164, attorney William L. Anthony for Affymetrix, Inc. in 5:99-cv-21164 [388-1], order [388-2] [5:99-cv-21164] (gm) [Entry date 07/27/01] [5:99cv21164]

- 7/20/01 406 RESPONSE by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 re memorandum [392-1] [5:99-cv-21164] (gm) [Entry date 07/27/01] [5:99cv21164]
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- 7/23/01 407 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [407-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 419 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" with Notice set for 8/27/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 420 DECLARATION by Dr. Charles Cantor on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 421 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 422 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], declaration [421-1], declaration [420-1], motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 423 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" with Notice set for 8/27/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 7/23/01 424 DECLARATION by Dr. Charles Cantor on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 425 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 426 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], declaration [425-1], declaration [424-1], motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 427 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal 1. Incyte's motion for partial summary judgment of invalidity of cliams 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture", and exhibit 11 to the supporting declaration of Jayna R. Whitt [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 428 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal 1. Incyte's motion for partial summary judgment of invalidity of cliams 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture", and exhibit 11 to the supporting declaration of Jayna R. Whitt [427-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal 1. Incyte's motion for partial summary judgment of invalidity of cliams 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture", and exhibit 11 to the supporting declaration of Jayna R. Whitt [427-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 7/23/01 429 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal Incyte's motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and supporting declaration of Thomas P. Theriault [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

- 7/23/01 430 DECLARATION by John Vuko on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Incyte's motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and supporting declaration of Thomas P. Theriault [429-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal Incyte's motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and supporting declaration of Thomas P. Theriault [429-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 431 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [431-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 432 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], motion for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [431-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 433 REPLY in support of Incyte's motion for leave to add additional allegations of inequitable conduct to its second amended 21165 answer and counterclaim by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 434 DECLARATION by Don F. Livornese on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of reply [433-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 7/23/01 435 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [434-1], reply [433-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 7/23/01 442 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 -- RECEIVED Proposed Order ( defendant Synteni, Inc. in 5:99-cv-21164) re: motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 443 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [441-1], motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1], order received [0-0], declaration [442-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 446 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 448 DECLARATION by Dr. Charles Cantor on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/23/01 449 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of exhibits [447-1], motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1], order received [0-0], declaration [448-1], declaration [446-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

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7/25/01 450 ORDER granting Affymetrix' moiton for order compelling Incyte to produce materials relating to its nucleic acid arrays ( Date Entered: 8/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/31/01 451 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal exhibit 15 to declaration of Jayna R. Whitt in support of Incyte's opposition to moiton for leave to serve claim charts [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

7/31/01 452 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal exhibit 15 to declaration of Jayna R. Whitt in support of Incyte's opposition to moiton for leave to serve claim charts [451-1] [5:99-cv-21164] (gm)

[Entry date 08/10/01] [5:99cv21164]

- 7/31/01 454 MEMORANDUM by defendant Incyte Pharmaceutica in 5:99-cv-21164 in opposition to Affymetrix' motion for leave to serve claim charts [5:99-cv-21164] (gm)  
[Entry date 08/10/01] [5:99cv21164]
- 7/31/01 455 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of opposition memorandum [454-1] [5:99-cv-21164] (gm)  
[Entry date 08/10/01] [5:99cv21164]
- 7/31/01 457 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of motion to file under seal exhibit 15 to declaration of Jayna R. Whitt in support of Incyte's opposition to motion for leave to serve claim charts [451-1], declaration [452-1], order [453-1], opposition memorandum [454-1], declaration [455-1], exhibits [456-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 408 ORDER granting motion to file under seal motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [407-1] ( Date Entered: 8/10/01) (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 08/10/01] [5:99cv21164]
- 8/6/01 409 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for partial summary judgment re: Incyte's claim of invalidity of claims 4 & 5 of Affymetrix' 992 patent; supporting declaration of Brian D. Ledahl with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 8/6/01 410 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 411 DECLARATION by Elizabeth L. Rosenblatt on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm)  
[Entry date 08/10/01] [5:99cv21164]
- 8/6/01 412 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm)  
[Entry date 08/10/01] [5:99cv21164]
- 8/6/01 413 DECLARATION by Dr. Steven L. McKnight, Ph.D on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED

UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01]  
[5:99cv21164]

- 8/6/01 414 DECLARATION by Marc A. Fenster on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 415 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for summary judgment re: Incyte's interference with contract Counterclaim; supporting declaration fo Eric B. Carlson with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 416 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 417 DECLARATION by Dr. Kevin Struhl, Ph.D on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 8/6/01 418 DECLARATION by Jeffrey L. Arrington on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 436 ORDER re: Affymetrix' miscellaneous administrative request to file under seal Affymetrix' Reply brief in support of motion for leave to serve claim charts ( Date Entered: 8/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 437 REPLY BRIEF in support of motion for leave to serve claim charts by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/6/01 438 MINUTES: ( C/R Peter Torreano) ( Hearing Date: 8/6/01) Law



and moiton hearing 8/27/01 at 9:00 and 10/9/01 at 9:00  
[5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]

8/6/01 458 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file an Opposition to Affymetix' moiton for summary judgment of literal infringement of claim 15 of '305 patent in excess of the local rule to exceed page limitation [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file an Opposition to Affymetix' moiton for summary judgment of literal infringement of claim 15 of '305 patent in excess of the local rule to exceed page limitation [458-1] [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

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8/6/01 459 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal 1) Incyte's Opposition to Affymetrix' motion for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description]; and 2) Exhibit 5 to declaration of Jayna R. Whitt in opposition to Affymetrix' moiton for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description] with Notice set for 8/27/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 460 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal 1) Incyte's Opposition to Affymetrix' motion for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description]; and 2) Exhibit 5 to declaration of Jayna R. Whitt in opposition to Affymetrix' moiton for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description] [459-1] [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal 1) Incyte's Opposition to Affymetrix' motion for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description]; and 2) Exhibit 5 to declaration of Jayna R. Whitt in opposition to Affymetrix' moiton for partial summary judgment re: Incyte's cliams of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description] [459-1] [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 461 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal Exhibits H-J, N to the Decalration fo Catherine A. Moore in support of Incyte's Response to Affymetrix' motion for summary judgment on Incyte's third, fifth, sixth and seventh Counterclaims; Incyte's Request for dismissal without



prejudice of its third, fifth, sixth and seventh Counterclaims with Notice set for 10/9/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 462

DECLARATION by Catherine A. Moore on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Exhibits H-J, N to the Declaration of Catherine A. Moore in support of Incyte's Response to Affymetrix' motion for summary judgment on Incyte's third, fifth, sixth and seventh Counterclaims; Incyte's Request for dismissal without prejudice of its third, fifth, sixth and seventh Counterclaims [461-1] [5:99-cv-21164] (gm)

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[Entry date 08/13/01] [5:99cv21164]

8/6/01 --

RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal Exhibits H-J, N to the Declaration of Catherine A. Moore in support of Incyte's Response to Affymetrix' motion for summary judgment on Incyte's third, fifth, sixth and seventh Counterclaims; Incyte's Request for dismissal without prejudice of its third, fifth, sixth and seventh Counterclaims [461-1] [5:99-cv-21164] (gm) [Entry date 08/13/01] [5:99cv21164]

8/6/01 463

MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal Incyte's opposition to Affymetrix' motion for summary judgment re: interference with contract counterclaim; declaration of Catherine A. Moore in support of opposition; exhibits G, J-L and P-Q to the declaration of Catherine A. Moore with Notice set for 10/9/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 464

DECLARATION by Catherine A. Moore on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Incyte's opposition to Affymetrix' motion for summary judgment re: interference with contract counterclaim; declaration of Catherine A. Moore in support of opposition; exhibits G, J-L and P-Q to the declaration of Catherine A. Moore [463-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 --

RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal Incyte's opposition to Affymetrix' motion for summary judgment re: interference with contract counterclaim; declaration of Catherine A. Moore in support of opposition; exhibits G, J-L and P-Q to the declaration of Catherine A. Moore [463-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 465

MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal 1) Incyte's opposition to Affymetrix' motion for summary judgment of literal infringement of claims 4&5 of '992 patent 2) declaration of Thomas P. Theriault in opposition to motion for summary judgment 3) declaration of Lyle J. Arnold and 4) exhibit 1,3 and 4 to declaration of Jayna R. Whitt [5:99-cv-21164] (gm) [Entry date 08/14/01]

[5:99cv21164]

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8/6/01 466 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal 1) Incyte's opposition to Affymetrix' motion for summary judgment of literal infringement of claims 4&5 of '992 patent 2) declaration of Thomas P. Theriault in opposition to motion for summary judgment 3) decalration of Lyle J. Arnold and 4) exhibit 1,3 and 4 to declaration of Jayna R. Whitt [465-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal 1) Incyte's opposition to Affymetrix' motion for summary judgment of literal infringement of claims 4&5 of '992 patent 2) declaration of Thomas P. Theriault in opposition to motion for summary judgment 3) decalration of Lyle J. Arnold and 4) exhibit 1,3 and 4 to declaration of Jayna R. Whitt [465-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 467 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal 1) opposition to motion for summary judgment of literal infringement of claim 15 of '305 patent 2) declaration of Thomas P. Theriault 3) declaration of Lyle J. Arnold 4) exhibits 3,4,5,6,7,8,9,10,11,13 and 14 to declaration of Jayna R. Whitt [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 468 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal 1) opposition to motion for summary judgment of literal infringement of claim 15 of '305 patent 2) declaration of Thomas P. Theriault 3) declaration of Lyle J. Arnold 4) exhibits 3,4,5,6,7,8,9,10,11,13 and 14 to declaration of Jayna R. Whitt [467-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal 1) opposition to motion for summary judgment of literal infringement of claim 15 of '305 patent 2) declaration of Thomas P. Theriault 3) declaration of Lyle J. Arnold 4) exhibits 3,4,5,6,7,8,9,10,11,13 and 14 to declaration of Jayna R. Whitt [467-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/6/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Affymetrix' Reply brief in support of its motion for leave to serve amended claim charts [469-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

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8/6/01 469 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Affymetrix' Reply brief in support of its moiton for leave to serve amended claim charts

[5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

- 8/6/01 470 RESPONSE by defendant Incyte Pharmaceutica in 5:99-cv-21164 re motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]
- 8/6/01 471 DECLARATION by Catherine A. Moore on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of response [470-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]
- 8/7/01 439 ORDER by Judge Jeremy Fogel granting motion to file under seal Incyte's motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and supporting declaration of Thomas P. Theriault [429-1] ( Date Entered: 8/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/7/01 440 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 with Notice set for 8/27/01 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/7/01 441 DECLARATION by Thomas P. Thjeriault on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/7/01 444 ORDER by Judge Jeremy Fogel granting motion to file under seal 1. Incyte's motion for partial summary judgment of invalidity of cliams 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture", and exhibit 11 to the supporting declaration of Jayna R. Whitt [427-1] ( Date Entered: 8/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/7/01 445 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" with Notice set for 8/27/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
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- 8/7/01 447 EXHIBIT 11 to declaration of Jayna R. Whitt [446-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01] [5:99cv21164]
- 8/7/01 453 ORDER by Judge Jeremy Fogel granting motion to file under seal exhibit 15 to declaration of Jayna R. Whitt in support of Incyte's opposition to molton for leave to serve claim charts [451-1] ( Date Entered: 8/10/01) (cc: all

## U.S. District Court Web PACER(v2.3) Docket Report

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counsel) [5:99-cv-21164] (gm) [Entry date 08/10/01]  
[5:99cv21164]

8/7/01 456 EXHIBIT 15 to declaration of Jayna R. Whitt [455-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/10/01]  
[5:99cv21164]

8/7/01 472 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Affymetrix' oppositions to Incyte's motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Affymetrix' oppositions to Incyte's motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [472-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 473 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal exhibit 9 to the declaration of Ethan B. Andelman in support of Incyte's objection to the Special Master's order granting Affymertix' motion for order compelling Incyte to produce materials relating to its nucleic acid arrays [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 474 DECLARATION by Ethan B. Andelman on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal exhibit 9 to the declaration of Ethan B. Andelman in support of Incyte's objection to the Special Master's order granting Affymertix' motion for order compelling Incyte to produce materials relating to its nucleic acid arrays [473-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal exhibit 9 to the declaration of Ethan B. Andelman in support of Incyte's objection to the Special Master's order granting Affymertix' motion for order compelling Incyte to produce materials relating to its nucleic acid arrays [473-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

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8/7/01 475 OBJECTIONS by defendant Incyte Pharmaceutica in 5:99-cv-21164 to order [450-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 476 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of objection [475-1], order received [0-0], declaration [474-1], motion to file under seal exhibit 9 to the declaration of Ethan B. Andelman in support of Incyte's objection to the Special Master's order granting Affymertix' motion for order compelling Incyte to produce materials relating to its nucleic acid arrays [473-1] [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 477 ORDER by Judge Jeremy Fogel granting in part and denying in part motion to dismiss and strike allegations of inequitable conduct [345-1] ( Date Entered: 8/14/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/7/01 478 REPORTER'S TRANSCRIPT; Date of proceedings: 8/6/01 ( C/R: Peter Torreano) [5:99-cv-21164] (gm) [Entry date 08/14/01] [5:99cv21164]

8/13/01 480 MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file Reply Brief to exceed page limitation with Notice set for 8/27/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file Reply Brief to exceed page limitation [480-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 481 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Affymetrix' replies in support of its motions for summary judgment, and related submissions; supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Affymetrix' replies in support of its motions for summary judgment, and related submissions; supporting declaration of Jeffrey L. Arrington [481-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 482 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal Inbyte's Reply memorandum to motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and exhibits 8,9 and 10 to declaration of Jayna R. Whitt in support of Reply memorandum [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

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8/13/01 483 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Inbyte's Reply memorandum to motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and exhibits 8,9 and 10 to declaration of Jayna R. Whitt in support of Reply memorandum [482-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal Inbyte's Reply memorandum to motion for partial summary judgment on non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 and exhibits 8,9 and 10 to declaration of Jayna R. Whitt in support of Reply memorandum [482-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 484 MOTION before Judge Jeremy Fogel by defendant Incyte



Pharmaceutica in 5:99-cv-21164 to file under seal Incyte's Reply memorandum to motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefining region"; and exhibit 7 to declaration of Jayna R. Whitt in support of Reply [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 485 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Incyte's Reply memorandum to motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefining region"; and exhibit 7 to declaration of Jayna R. Whitt in support of Reply [484-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal Incyte's Reply memorandum to motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefining region"; and exhibit 7 to declaration of Jayna R. Whitt in support of Reply [484-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 486 ORDER by Judge Jeremy Fogel granting motion to file under seal exhibit 9 to the declaration of Ethan B. Andelman in support of Incyte's objection to the Special Master's order granting Affymetrix' motion for order compelling Incyte to produce materials relating to its nucleic acid arrays [473-1] ( Date Entered: 8/15/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

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8/13/01 487 DECLARATION by Ethan B. Andelman on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of objection [475-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 488 EXHIBIT 9 to declaration of Ethan B. Andelman [487-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 489 REPLY MEMORANDUM by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [431-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 490 DECLARATION by Dr. Charles Cantor on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [431-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

8/13/01 491 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in



5:99-cv-21164 of declaration [490-1], reply [489-1]  
[5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]

- 8/13/01 492 REPLY MEMORANDUM by defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 8/13/01 493 REPLY DECLARATION by Dr. Charles Cantor on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 8/13/01 494 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [493-1], reply [492-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 8/13/01 495 REPLY MEMORANDUM by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
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- 8/13/01 496 DECLARATION by Dr. Charles Cantor on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 8/13/01 497 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [496-1], reply [495-1] [5:99-cv-21164] (gm) [Entry date 08/15/01] [5:99cv21164]
- 8/16/01 511 PROOF OF SERVICE of order [402-1], order [401-1], order [399-1], order [398-1] [5:99-cv-21164] (gm) [Entry date 08/28/01] [Edit date 08/29/01] [5:99cv21164]
- 8/20/01 509 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Reply in support of motion for protective order regarding Incyte's discovery of Affymetrix' customers; declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/20/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Reply in support of motion for protective order regarding Incyte's discovery of Affymetrix' customers; declaration of Jeffrey L. Arrington [509-1] [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 498 ORDER granting motion to file under seal Affymetrix' replies in support of its motions for summary judgment, and related submissions; supporting declaration of Jeffrey L.

Arrington [481-1] ( Date Entered: 8/22/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]

- 8/21/01 499 REPLY by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 500 REPLY DECLARATION by Dr. Steven L. McKnight, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 501 DECLARATION by Jeffrey L. Arrington on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of reply [499-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
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- 8/21/01 502 REPLY by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 503 DECLARATION by Jason Sheasby on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 504 REPLY DECLARATION by Dr. Steven L. McKnight, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 505 REPLY DECLARATION by Joshua Lederberg, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 506 REPLY by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for partial summary judgment re: Incyte's claim of invalidity of claims 4 & 5 of Affymetrix' '992 patent; supporting declaration of Brian D. Ledahl [409-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]
- 8/21/01 507 REPLY BRIEF by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment re: Incyte's interference with contract Counterclaim; supporting declaration fo Eric B. Carlson [415-1] (FILED UNDER SEAL)

[5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]

8/21/01 508 REPLY BRIEF by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]

8/21/01 510 ORDER granting motion to file under seal Reply in support of motion for protective order regarding Incyte's discovery of Affymetix' customers; declaration of Jeffrey L. Arrington [509-1] ( Date Entered: 8/22/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/22/01] [5:99cv21164]

8/21/01 512 PROOF OF SERVICE of order [510-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

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8/21/01 515 OPPOSITION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for partial summary judgment re: Incyte's claim of invalidity of claims 4 & 5 of Affymetrix' 992 patent; supporting declaration of Brian D. Ledahl [409-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

8/22/01 513 MOTION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for leave to file additional declarations relating to pending motions for summary judgment with Notice set for 8/27/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 08/28/01] [Edit date 08/29/01] [5:99cv21164]

8/23/01 514 ORDER by Judge Jeremy Fogel granting motion to file under seal 1) Incyte's Opposition to Affymetrix' motion for partial summary judgment re: Incyte's claims of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description]; and 2) Exhibit 5 to declaration of Jayna R. Whitt in opposition to Affymetrix' motion for partial summary judgment re: Incyte's claims of invalidity of claims 4&5 of Affymetrix' '992 patent [for lack of written description] [459-1] ( Date Entered: 8/28/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/28/01] [Edit date 08/29/01] [5:99cv21164]

8/23/01 516 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of opposition [515-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

8/23/01 517 EXHIBIT 5 to declaration [516-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

8/23/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion for leave to file additional declarations relating to pending motions for summary judgment [513-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

8/23/01 518 OPPOSITION by defendant Incyte Pharmaceutica in

- 5:99-cv-21164 to motion for leave to file additional declarations relating to pending motions for summary judgment [513-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 519 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of opposition [518-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
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- 8/23/01 520 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal additional declarations relating to pending motions for summary judgment (declaration of Steven L. McKnight, Ph.D. in opposition to Incyte's Countermotion for summary judgment on non-infringement of claims 4&5 of Affymetrix' '992 patent supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 521 ORDER granting motion to file under seal Affymetrix' oppositions to Incyte's motions for summary judgment and related submissions; supporting declaration of Jeffrey L. Arrington [472-1] ( Date Entered: 8/29/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 522 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 523 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 524 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 525 DECLARATION by Kevin Struhl, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of opposition [524-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 526 DECLARATION by Jason Sheasby on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of opposition [524-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 527 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]

- 8/23/01 528 DECLARATION by Kevin Struhl, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of opposition [527-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm)  
□ [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 529 DECLARATION by Marc A. Fenster on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of opposition [527-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm)  
[Entry date 08/29/01] [5:99cv21164]
- 8/23/01 530 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for partial summary judgment of invalidity of claims 1-3 of U.S. patent no. 5,800,992 for indefiniteness of "substantially complementary" [431-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 531 ORDER granting in part, denying in part Incyte's motion re scope of discovery ( Date Entered: 8/29/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 532 ORDER granting Incyte's motion to compel production of Affymetrix' file histories without redaction other than for privilege ( Date Entered: 8/29/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/23/01 533 PROOF OF SERVICE of order [514-1], order [532-1] [5:99-cv-21164] (gm) [Entry date 08/29/01] [5:99cv21164]
- 8/24/01 534 CLERK'S NOTICE re equipment [5:99-cv-21164] (gm)  
[Entry date 08/29/01] [5:99cv21164]
- 8/27/01 535 ORDER granting motion for leave to file additional declarations relating to pending motions for summary judgment [513-1] ( Date Entered: 8/30/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/30/01] [5:99cv21164]
- 8/27/01 536 DECLARATION by Kevin Struhl, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in opposition to motion for partial summary judgment of invalidity of U.S. patent no. 5,744,305 for lack of written description of "predefined region" [423-1] [5:99-cv-21164] (gm)  
[Entry date 08/30/01] [5:99cv21164]
- 8/27/01 537 SUPPLEMENTAL DECLARATION by Jasper Rine, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in opposition to motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1] [5:99-cv-21164] (gm)  
□ [Entry date 08/30/01] [5:99cv21164]
- 8/27/01 538 ORDER granting motion to file under seal additional declarations relating to pending motions for summary judgment (declaration of Steven L. McKnight, Ph.D. in opposition to Incyte's Countermotion for summary judgment

on non-infringement of claims 4&5 of Affymetrix' '992 patent [520-1] ( Date Entered: 8/30/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/30/01] [5:99cv21164]

- 8/27/01 539 DECLARATION by Steven L. McKnight, Ph.D. on behalf of Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in opposition to motion for partial summary judgment of non-infringement of U.S. patent nos. 5,744,305 and 5,445,934 [440-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 08/30/01] [5:99cv21164]
- 8/27/01 540 ORDER modifying fact discovery cutoff Discovery cutoff set for 9/12/01 ; ( Date Entered: 8/30/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 08/30/01] [5:99cv21164]
- 8/28/01 541 PROOF OF SERVICE of Scheduling order Discovery cutoff set for 9/12/01 ; [540-1], order [540-2] [5:99-cv-21164] (gm) [Entry date 09/04/01] [5:99cv21164]
- 8/29/01 543 ORDER by Judge Jeremy Fogel overruling objection to and clarifying scope of order of Special Master dated 7/24/01 [475-1] ( Date Entered: 9/4/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/04/01] [5:99cv21164]
- 8/31/01 542 ORDER Discovery cutoff set for 10/12/01 ; ( Date Entered: 9/4/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/04/01] [5:99cv21164]
- 9/6/01 544 MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal 1. Incyte's Reply in support of its cross-motion for a summary judgement of non-infringement of claims 4 & 5 of Affymetrix' '992 patent; and 2. Reply declaration of Dr. Charles Cantor in support with Notice set for 10/9/01 at 9:00 [5:99-cv-21164] (gm) [Entry date 09/12/01] [5:99cv21164]
- 9/6/01 545 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal 1. Incyte's Reply in support of its cross-motion for a summary judgement of non-infringement of claims 4 & 5 of Affymetrix' '992 patent; and 2. Reply declaration of Dr. Charles Cantor in support [544-1] [5:99-cv-21164] (gm) [Entry date 09/12/01] [5:99cv21164]
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- 9/6/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to file under seal 1. Incyte's Reply in support of its cross-motion for a summary judgement of non-infringement of claims 4 & 5 of Affymetrix' '992 patent; and 2. Reply declaration of Dr. Charles Cantor in support [544-1] [5:99-cv-21164] (gm) [Entry date 09/12/01] [5:99cv21164]
- 9/6/01 546 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], declaration [545-1], motion to file under seal 1. Incyte's Reply in support of its cross-motion for a summary judgement of non-infringement of claims 4 & 5 of Affymetrix' '992 patent; and 2. Reply declaration of Dr. Charles Cantor in support



[544-1] [5:99-cv-21164] (gm) [Entry date 09/12/01]  
[5:99cv21164]

9/6/01 547 RESPONSE by defendant Incyte Pharmaceutica in  
5:99-cv-21164 re declaration [537-1] [5:99-cv-21164] (gm)  
[Entry date 09/12/01] [5:99cv21164]

9/6/01 548 SUPPLEMENTAL DECLARATION by Dr. Charles Cantor on behalf of  
defendant Incyte Pharmaceutica in 5:99-cv-21164 re response  
[547-1] [5:99-cv-21164] (gm) [Entry date 09/12/01]  
[5:99cv21164]

9/6/01 549 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte  
Pharmaceutica in 5:99-cv-21164 in support of response  
[547-1] [5:99-cv-21164] (gm) [Entry date 09/12/01]  
[5:99cv21164]

9/6/01 550 PROOF OF SERVICE by defendant Incyte Pharmaceutica in  
5:99-cv-21164 of declaration [549-1], declaration [548-1],  
response [547-1] [5:99-cv-21164] (gm) [Entry date 09/12/01]  
[5:99cv21164]

9/6/01 551 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to  
file under seal responsive pleadings; supporting  
declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm)  
[Entry date 09/12/01] [5:99cv21164]

9/6/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in  
5:99-cv-21164) re: motion to file under seal responsive  
pleadings; supporting declaration of Jeffrey L. Arrington  
[551-1] [5:99-cv-21164] (gm) [Entry date 09/12/01]  
[5:99cv21164]

9/13/01 552 REPORTER'S TRANSCRIPT; Date of proceedings: 4/16/01 ( C/R:  
Peter Torrealano) [5:99-cv-21164] (gm) [Entry date 09/17/01]  
[5:99cv21164]

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9/17/01 553 ORDER granting motion to file under seal responsive  
pleadings; supporting declaration of Jeffrey L. Arrington  
[551-1] ( Date Entered: 9/20/01) (cc: all counsel)  
[5:99-cv-21164] (gm) [Entry date 09/20/01] [5:99cv21164]

9/18/01 554 ORDER re supplemental briefing of Incyte's motion for  
partial summary judgment of invalidity of claims 4 and 5 of  
the '992 patent for lack of written description of mixture  
by Judge Jeremy Fogel ( Date Entered: 9/24/01) (cc: all  
counsel) [5:99-cv-21164] (gm) [Entry date 09/24/01]  
[5:99cv21164]

9/20/01 555 ORDER by Judge Jeremy Fogel denying motion for partial  
summary judgment of invalidity of U.S. patent no. 5,744,305  
for lack of written description of "predefined region"  
[423-1] ( Date Entered: 9/24/01) (cc: all counsel)  
[5:99-cv-21164] (gm) [Entry date 09/24/01] [5:99cv21164]

9/20/01 556 ORDER by Judge Jeremy Fogel granting motion for partial  
summary judgment of invalidity of claims 1-3 of U.S. patent  
no. 5,800,992 for indefiniteness of "substantially  
complementary" [431-1] ( Date Entered: 9/24/01) (cc: all

counsel) [5:99-cv-21164] (gm) [Entry date 09/24/01]  
[5:99cv21164]

9/24/01 557 ORDER by Judge Jeremy Fogel granting motion to file under seal 1) opposition to motion for summary judgment of literal infringement of claim 15 of '305 patent 2) declaration of Thomas P. Theriault 3) declaration of Lyle J. Arnold 4) exhibits 3,4,5,6,7,8,9,10,11,13 and 14 to declaration of Jayna R. Whitt [467-1] ( Date Entered: 9/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 558 OPPOSITION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 559 DECLARATION by Thomas P. Theriault on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in opposition to motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 560 DECLARATION by Lyle J. Arnold on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in opposition to motion for summary judgment of literal infringement of claim 15 of Affymetix' '305 patent [416-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

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9/24/01 561 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of opposition [558-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 562 EXHIBITS 3,4,5,7,8,9,10,11,13 and 14 to declaration [561-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 563 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of exhibits [562-1], declaration [561-1], declaration [560-1], declaration [559-1], opposition [558-1], order received [0-0], declaration [468-1], motion to file under seal 1) opposition to motion for summary judgment of literal infringement of claim 15 of '305 patent 2) declaration of Thomas P. Theriault 3) declaration of Lyle J. Arnold 4) exhibits 3,4,5,6,7,8,9,10,11,13 and 14 to declaration of Jayna R. Whitt [467-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 564 ORDER by Judge Jeremy Fogel granting motion to file under seal Incyte's opposition to Affymetrix' motion for summary judgment re: interference with contract counterclaim; declaration of Catherine A. Moore in support of opposition; exhibits G, J-L and P-Q to the declaration of Catherine A. Moore [463-1] ( Date Entered: 9/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 565 OPPOSITION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for summary judgment re: Incyte's interference with contract Counterclaim; supporting declaration fo Eric B. Carlson [415-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 566 DECLARATION by Catherine A. Moore on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of opposition [565-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 567 EXHIBIT G to the declaration [566-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 568 EXHIBIT J to the declaration [566-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 569 EXHIBIT K to the declaration [566-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 570 EXHIBIT L to the declaration [566-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 571 EXHIBIT G to the declaration [566-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

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9/24/01 572 EXHIBITS A-F, H-I, M-P to the declaration [566-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for summary judgment re: Incyte's interference with contract Counterclaim; supporting declaration fo Eric B. Carlson [415-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 573 ORDER by Judge Jeremy Fogel granting motion to file under seal Exhibits H-J, N to the Decalration fo Catherine A. Moore in support of Incyte's Response to Affymetrix' motion for summary judgment on Incyte's third, fifth, sixth and seventh Counterclaims; Incyte's Request for dismissal without prejudice of its third, fifth, sixth and seventh Counterclaims [461-1] ( Date Entered: 9/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 574 EXHIBIT H to the declaration [462-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 575 EXHIBIT I to the declaration [462-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 576 EXHIBIT J to the declaration [462-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

9/24/01 577 EXHIBIT N to the declaration [462-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]

- 9/24/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]
- 9/24/01 578 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of order received [0-0], exhibits [577-1], exhibits [576-1], exhibits [575-1], exhibits [574-1], order [573-1], order received [0-0], exhibits [572-1], exhibits [571-1], exhibits [570-1], exhibits [569-1], exhibits [568-1], exhibits [567-1], declaration [566-1], opposition [565-1], declaration [462-1], order received [0-0], motion to file under seal Exhibits H-J, N to the Decalration fo Catherine A. Moore in support of Incyte's Response to Affymetrix' motion for summary judgment on Incyte's third, fifth, sixth and seventh Counterclaims; Incyte's Request for dismissal without prejudice of its third, fifth, sixth and seventh Counterclaims [461-1], declaration [471-1], response [470-1] [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]
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- 9/24/01 579 ORDER by Judge Jeremy Fogel granting motion to file under seal 1) Incyte's opposition to Affymetrix' motion for summary judgment of literal infringement of claims 4&5 of '992 patent 2) declaration of Thomas P. Theriault in opposition to motion for summary judgment 3) decalration of Lyle J. Arnold and 4) exhibit 1,3 and 4 to declaration of Jayna R. Whitt [465-1] ( Date Entered: 9/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]
- 9/24/01 580 OPPOSITION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to motion for summary judgment of literal infringement of claims 4 & 5 of Affymetrix' '992 patent [412-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]
- 9/24/01 580 CROSS-MOTION by defendant Incyte Pharmaceutica in 5:99-cv-21164 for summary judgment on non-infringement of claims 4 & 5 of Affymetrix' '992 patent (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/25/01] [5:99cv21164]
- 9/24/01 581 DECLARATION by Thomas P. Theriault on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of opposition [580-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/26/01] [5:99cv21164]
- 9/24/01 582 DECLARATION by Lyle Arnold on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for summary judgment on non-infringement of claims 4 & 5 of Affymetrix' '992 patent [580-1], in support of opposition [580-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/26/01] [5:99cv21164]
- 9/24/01 583 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion for summary judgment on non-infringement of claims 4 & 5 of Affymetrix' '992 patent [580-1], in support of opposition

[580-1] [5:99-cv-21164] (gm) [Entry date 09/26/01]  
[5:99cv21164]

9/24/01 584 EXHIBITS 1,3 and 4 to the declaration [583-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 09/26/01]  
[5:99cv21164]

9/24/01 585 EXHIBIT 1 to the declaration [583-1] (FILED UNDER SEAL)  
[5:99-cv-21164] (gm) [Entry date 09/26/01] [5:99cv21164]

9/24/01 586 EXHIBITS to the declaration [583-1] (FILED UNDER SEAL)  
[5:99-cv-21164] (gm) [Entry date 09/26/01] [5:99cv21164]

9/24/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in  
5:99-cv-21164) re: motion for summary judgment on  
non-infringement of claims 4 & 5 of Affymetrix' '992 patent  
[580-1] [5:99-cv-21164] (gm) [Entry date 09/26/01]  
□ [5:99cv21164]

9/24/01 587 PROOF OF SERVICE by defendant Incyte Pharmaceutica in  
5:99-cv-21164 of motion for summary judgment on  
non-infringement of claims 4 & 5 of Affymetrix' '992 patent  
[580-1], opposition [580-1], order [579-1], order received  
[0-0], exhibits [586-1], exhibits [585-1], exhibits  
[584-1], declaration [583-1], declaration [582-1],  
declaration [581-1] [5:99-cv-21164] (gm)  
[Entry date 09/26/01] [5:99cv21164]

9/24/01 588 ORDER by Judge Jeremy Fogel granting motion to file  
Reply Brief to exceed page limitation [480-1] ( Date  
Entered: 9/26/01) (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 09/26/01] [5:99cv21164]

9/24/01 589 ORDER by Judge Jeremy Fogel granting motion to file an  
Opposition to Affymetix' motion for summary judgment of  
literal infringement of claim 15 of '305 patent in excess  
of the local rule to exceed page limitation [458-1] ( Date  
Entered: 9/26/01) (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 09/26/01] [5:99cv21164]

9/28/01 590 LETTER dated 9/28/01 from Richard De Bodo in  
5:99-cv-21164 from Affymetrix, Inc. in 5:99-cv-21164  
[5:99-cv-21164] (gm) [Entry date 10/02/01] [5:99cv21164]

9/28/01 591 REPORT AND RECOMMENDATION to Judge Jeremy Fogel  
concerning (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 10/04/01] [5:99cv21164]

10/1/01 592 ORDER denying Incyte's motion for sanctions regarding  
commercial success production by Judge Jeremy Fogel ( Date  
Entered: 10/4/01) (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 10/04/01] [5:99cv21164]

10/3/01 593 LETTER BRIEF FILED to Judge Ambler concerning discovery  
motions by Plaintiff Affymetrix, Inc. in 5:99-cv-21164  
[5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

10/3/01 594 DECLARATION by Teresa M. Corbin on behalf of defendant  
Synteni, Inc. in 5:99-cv-21164, defendant Incyte

Pharmaceutica in 5:99-cv-21164 in support of motion to compel information relating to Incyte's interrogatory responses [312-1] [5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

10/3/01 595 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [594-1] [5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

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10/3/01 596 DECLARATION by Teresa M. Corbin in support of Incyte's motion to compel production of materials form UK cases on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

10/3/01 597 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [596-1] [5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

10/3/01 598 ORDER by Judge Jeremy Fogel granting motion for partial summary judgment of invalidity of claims 4-5 of U.S. patent no. 5,800,992 for lack of written description of "mixture" [445-1], denying motion for partial summary judgment re: Incyte's claim of invalidity of claims 4 & 5 of Affymetrix' 992 patent; supporting declaration of Brian D. Ledahl [409-1], denying motion for partial summary judgment of invalidity of cliams 4-5 of U.S. patent no. 5,800,992 for indefiniteness of "from [or derived from] the cell types" [419-1] ( Date Entered: 10/10/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/10/01] [5:99cv21164]

10/5/01 599 LETTER BRIEF dated 10/4/01 from Jeffrey L. Arrington in 5:99-cv-21164 from Affymetrix, Inc. in 5:99-cv-21164, Affymetrix, Inc. in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 600 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Letter Brief to Judge Ambler in opposition to Incyte's motion to compel interrogatory responses [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Letter Brief to Judge Ambler in opposition to Incyte's motion to compel interrogatory responses [600-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 601 ORDER granting motion to file under seal Letter Brief to Judge Ambler in opposition to Incyte's motion to compel interrogatory responses [600-1] ( Date Entered: 10/15/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 602 LETTER BRIEF to Judge Ambler in opposition to Incyte's motion to compel interrogatory responses by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]



10/9/01 603 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal to Judge Ambler in support of Affymetrix' motion to compel; supporting declaration fo Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 10/15/01]  
□ [Edit date 10/15/01] [5:99cv21164]

10/9/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal to Judge Ambler in support of Affymetrix' motion to compel; supporting declaration fo Jeffrey L. Arrington [603-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 604 MOTION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal Letter Brief, Exhibit A and J to the declaration of Andrew Eliseev [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 605 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal Letter Brief, Exhibit A and J to the declaration of Andrew Eliseev [604-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 606 ORDER granting motion to file under seal Letter Brief, Exhibit A and J to the declaration of Andrew Eliseev [604-1] ( Date Entered: 10/15/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 607 LETTER BRIEF in support of Incyte's motion to compel responses to Incyte's second set of interrogatories by defendant Incyte Pharmaceutica in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 608 DECLARATION by Andrew Eliseev on behalf of defendant Incyte Pharmaceutica in support of Incyte's motion to compel responses to Incyte's second set of interrogatories in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 609 EXHIBIT A to declaration [608-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 610 EXHIBIT J to declaration [608-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 611 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of exhibits [610-1], exhibits [609-1], declaration [608-1], brief [607-1], order [606-1], declaration [605-1], motion to file under seal Letter Brief, Exhibit A and J to the declaration of Andrew Eliseev [604-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 612 MOTION by defendant Incyte Pharmaceutica in 5:99-cv-21164 to file under seal exhibits 2,7,14,20,23 and 25 to the Declaration of Jayna R. Whitt [5:99-cv-21164] (gm)

[Entry date 10/15/01] [5:99cv21164]

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10/9/01 613 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in 5:99-cv-21164 in support of motion to file under seal exhibits 2,7,14,20,23 and 25 to the Declaration of Jayna R. Whitt [612-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 614 ORDER granting motion to file under seal exhibits 2,7,14,20,23 and 25 to the Declaration of Jayna R. Whitt [612-1] ( Date Entered: 10/15/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 615 DECLARATION by Jayna R. Whitt on behalf of defendant Incyte Pharmaceutica in support of Incyte's motion to compel production of Mterials from UK cases in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 616 EXHIBIT 2 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 617 EXHIBIT 7 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 618 EXHIBIT 14 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 619 EXHIBIT 20 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 620 EXHIBIT 23 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 621 EXHIBIT 25 to the declaration [615-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/9/01 622 PROOF OF SERVICE by defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [615-1], order [614-1], declaration [613-1], motion to file under seal exhibits 2,7,14,20,23 and 25 to the Declaration of Jayna R. Whitt [612-1] [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/11/01 623 ORDER granting request to file under seal exhibits B and D to Incyte's Letter Brief ( Date Entered: 10/15/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/15/01] [5:99cv21164]

10/12/01 624 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by defendant Incyte Pharmaceutica in 5:99-cv-21164 to dismiss counterclaim III for lack of subject matter jurisdiction with Notice set for [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

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10/12/01 -- RECEIVED Proposed Order ( defendant Incyte Pharmaceutica in 5:99-cv-21164) re: motion to dismiss counterclaim III for lack of subject matter jurisdiction [624-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

10/12/01 625 PROOF OF SERVICE by defendant in 5:99-cv-21164 of order received [0-0], motion to dismiss counterclaim III for lack of subject matter jurisdiction [624-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

10/12/01 627 MOTION before Judge Jeremy Fogel by defendant in 5:99-cv-21164 to unseal with Notice set for 10/16/01 1:30pm [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

10/12/01 628 DECLARATION by Catherine A. Moore on behalf of defendant in 5:99-cv-21164 re letter [599-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

10/12/01 -- RECEIVED Proposed Order ( defendant in 5:99-cv-21164) re: motion to unseal [627-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]

10/15/01 633 ORDER re: set-up of audio-vidsual equipment for 10/16/01 hearing by Judge Jeremy Fogel ( Date Entered: 10/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

10/15/01 634 ORDER re delivery of equipment and courtroom set up for hearing by Judge Jeremy Fogel ( Date Entered: 10/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

10/15/01 635 ORDER by Judge Jeremy Fogel granting motion to file under seal to Judge Ambler in support of Affymetrix' motion to compel; supporting declaration fo Jeffrey L. Arrington [603-1] ( Date Entered: 10/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

10/15/01 636 LETTER REPLY BRIEF FILED by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 in support of motion to compel information relating to Incyte's interrogatory responses [312-1] (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

10/16/01 637 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal letter reply brief to Judge Ambler in support of Affymetrix' motion to compel; supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

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10/16/01 638 ORDER granting motion to file under seal letter reply brief to Judge Ambler in support of Affymetrix' motion to compel; supporting declaration of Jeffrey L. Arrington [637-1] ( Date Entered: 10/25/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/25/01] [5:99cv21164]

10/17/01 631 SETTLEMENT CONFERENCE MINUTES: ( C/R P. Torreano) ( Hearing Date: 10/16/01) , sched. Settlement conf. (Mag) at 1:30 12/3/01 ;, cutoff date for expert discovery is 12/17/01 ; Deadline for all motion filings is 1/28/02 ; [5:99-cv-21164] (cv) [Entry date 10/25/01] [5:99cv21164]

- 10/17/01 632 ORDER by Judge Jeremy Fogel granting motion to seal exhibits 1-4 to the declaration of C. A. Moore in support of opposition. [627-1] ( Date Entered: 10/25/01) (cc: all counsel) [5:99-cv-21164] (cv) [Entry date 10/25/01] [5:99cv21164]
- 10/18/01 630 REPORTER'S TRANSCRIPT; Date of proceedings: 10/16/01 ( C/R: P. Torreano) [5:99-cv-21164] (cv) [Entry date 10/24/01] [5:99cv21164]
- 10/18/01 639 ORDER by Judge Jeremy Fogel Re: motion for summary judgment re: Incyte's interference with contract Counterclaim; ( Date Entered: 10/26/01) (cc: all counsel) [5:99-cv-21164] (cv) [Entry date 10/26/01] [5:99cv21164]
- 10/19/01 640 OPPOSITION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to motion for protective order re Dr. Michael C. Pirrung [183-1] [5:99-cv-21164] (gm) [Entry date 10/26/01] [5:99cv21164]
- 10/23/01 641 MOTION before Judge Jeremy Fogel by Movant Stanford University in 5:99-cv-21164 for attorney Mark C. Fleming to appear pro hac vice . Fee status paid. [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]
- 10/23/01 642 ORDER by Judge Ronald M. Whyte granting motion for attorney Mark C. Fleming to appear pro hac vice . Fee status paid. [641-1] ( Date Entered: 10/31/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]
- 10/24/01 626 SUPPLEMENTAL DECLARATION by Catherine A. Moore on behalf of defendant in 5:99-cv-21164 re opposition [580-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]
- 10/24/01 629 PROOF OF SERVICE by defendant in 5:99-cv-21164 of declaration [626-1], order received [0-0], declaration [628-1], motion to unseal [627-1] [5:99-cv-21164] (lrd) [Entry date 10/24/01] [5:99cv21164]
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- 10/24/01 643 MOTION with memorandum in support by Movant Stanford University in 5:99-cv-21164 for protective order [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]
- 10/24/01 644 REPLY MEMORANDUM by Movant Stanford University in 5:99-cv-21164 re motion for protective order [643-1] [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]
- 10/24/01 645 DECLARATION by Mark C. Fleming on behalf of Movant Stanford University in 5:99-cv-21164 in support of motion for protective order [643-1] [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]
- 10/24/01 646 SUPPLEMENTAL DECLARATION by Mark C. Fleming on behalf of Movant Stanford University in 5:99-cv-21164 in support of motion for protective order [643-1] [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]

10/24/01 -- RECEIVED Proposed Order ( Movant Stanford University in 5:99-cv-21164) re: motion for protective order [643-1] [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]

10/24/01 647 PROOF OF SERVICE by Movant Stanford University in 5:99-cv-21164 of order received [0-0], declaration [646-1], declaration [645-1], reply [644-1], motion for protective order [643-1], service [629-1], declaration [626-1] [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]

10/24/01 648 ORDER by Hon. Read Ambler - Special Master modifying cutoff for filing of fact discovery motions ( Date Entered: 10/31/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]

10/24/01 649 ORDER by Judge Jeremy Fogel granting motion for summary judgment on Incyte's Third, Fifth, Sixth and Seventh Counterclaims; supporting declaration of Vern Norviel [410-1] ( Date Entered: 10/31/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 10/31/01] [5:99cv21164]

10/31/01 650 DECLARATION by Teresa M. Borbin re motion to extend case schedule in the form of a letter brief submitted to Special Master Read Ambler on behalf of defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 [5:99-cv-21164] (gm) [Entry date 11/05/01] [5:99cv21164]

10/31/01 651 PROOF OF SERVICE by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164 of declaration [650-1] [5:99-cv-21164] (gm) [Entry date 11/05/01] [5:99cv21164]

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10/31/01 652 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to file under seal Letter Brief to Judge Ambler regarding scheduling issues; supporting declaration of Jeffrey L. Arrington [5:99-cv-21164] (gm) [Entry date 11/05/01] [5:99cv21164]

10/31/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in 5:99-cv-21164) re: motion to file under seal Letter Brief to Judge Ambler regarding scheduling issues; supporting declaration of Jeffrey L. Arrington [652-1] [5:99-cv-21164] (gm) [Entry date 11/05/01] [5:99cv21164]

11/2/01 653 ORDER granting motion to file under seal Letter Brief to Judge Ambler regarding scheduling issues; supporting declaration of Jeffrey L. Arrington [652-1] ( Date Entered: 11/6/01) (cc: all counsel) [5:99-cv-21164] (gm) [Entry date 11/06/01] [5:99cv21164]

11/5/01 654 LETTER BRIEF to Judge Ambler regarding scheduling issues by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 (FILED UNDER SEAL) [5:99-cv-21164] (gm) [Entry date 11/06/01] [5:99cv21164]

11/9/01 -- RECEIVED Proposed Order modifying schedule ( Special Master

Read Ambler in 5:99-cv-21164) [5:99-cv-21164] (gm)  
[Entry date 11/13/01] [5:99cv21164]

11/9/01 655 MOTION by Plaintiff Affymetrix, Inc. in 5:99-cv-21164 to  
file under seal Motion for entry of final judgment  
[5:99-cv-21164] (gm) [Entry date 11/13/01] [5:99cv21164]

11/9/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in  
5:99-cv-21164) re: motion to file under seal Motion for  
entry of final judgment [655-1] [5:99-cv-21164] (gm)  
[Entry date 11/13/01] [5:99cv21164]

11/9/01 -- RECEIVED Proposed Order ( Plaintiff Affymetrix, Inc. in  
5:99-cv-21164) re: motion to file under seal Motion for  
entry of final judgment [655-1] [5:99-cv-21164] (gm)  
[Entry date 11/13/01] [5:99cv21164]

11/14/01 656 ORDER granting motion to file under seal Motion for entry  
of final judgment [655-1] ( Date Entered: 11/16/01) (cc:  
all counsel) [5:99-cv-21164] (gm) [Entry date 11/16/01]  
[5:99cv21164]

11/14/01 657 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel by  
Plaintiff Affymetrix, Inc. in 5:99-cv-21164 for entry of  
final judgment supporting declarations of Stephen P.A.  
Fodor, Ph.D. and Jeffrey L. Arrington with Notice set for  
12/17/01 at 9:00 (FILED UNDER SEAL) [5:99-cv-21164] (gm)  
[Entry date 11/16/01] [5:99cv21164]

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11/20/01 658 EXHIBIT 1 to declaration [628-1] (FILED UNDER SEAL) re  
Order filed on 10/17/01 [5:99-cv-21164] (gm)  
[Entry date 11/21/01] [5:99cv21164]

11/20/01 659 EXHIBIT 2 to declaration [628-1] (FILED UNDER SEAL) re  
order filed 10/17/01 [5:99-cv-21164] (gm)  
[Entry date 11/21/01] [5:99cv21164]

11/20/01 660 EXHIBIT 3 to declaration [628-1] (FILED UNDER SEAL) re  
order filed on 10/17/01 [5:99-cv-21164] (gm)  
[Entry date 11/21/01] [5:99cv21164]

11/20/01 661 EXHIBIT 4 to declaration [628-1] (FILED UNDER SEAL) re  
order filed on 10/17/01 [5:99-cv-21164] (gm)  
[Entry date 11/21/01] [5:99cv21164]

11/21/01 662 ORDER granting motion for protective order [643-1] ( Date  
Entered: 11/26/01) (cc: all counsel) [5:99-cv-21164] (gm)  
[Entry date 11/26/01] [5:99cv21164]

11/26/01 663 ORDER by Judge Jeremy Fogel Discovery cutoff set for  
11/16/01 ; Deadline for all motion filings is 2/4/02 ; All  
motions will be heard by 3/11/02 ; Pretrial conference set  
for 4/19/02 ; Trial will be held 4/29/02 ; cutoff date for  
expert discovery is 1/28/02 ; pre-trial filings due by  
4/15/02 ; ( Date Entered: 11/29/01) (cc: all counsel)  
[5:99-cv-21164] (gm) [Entry date 11/29/01] [5:99cv21164]

12/10/01 664 SETTLEMENT CONFERENCE MINUTES: ( C/R Peter Torreano) ( Hearing Date: 12/3/01) Settlement conference held,



Settlement conference will be held 11:00 12/17/01 ;  
[5:99-cv-21164] (gm) [Entry date 12/12/01] [5:99cv21164]

12/17/01 665 SETTLEMENT CONFERENCE MINUTES: ( C/R P. Torreano) ( Hearing Date: 12/17/01) Settlement conference held, Settlement conference will be held 10:00 12/21/01 ;, cutoff date for expert discovery is 1/28/02 ; Deadline for all motion filings is 3/11/02 ; [5:99-cv-21164] (cv) [Entry date 12/19/01] [5:99cv21164]

12/21/01 666 MINUTES: re: both parties have agreed and filed a stipulation to dismiss entire action with prejudice c-99-21164;c-99-21165;c-20065; case 99-21111 will remain open; a Status Conf. Hearing has been scheduled for 1/15/02 at 1:30 pm ( C/R Peter Torreano) ( Hearing Date: 12/21/01) [5:99-cv-21164] (lrd) [Entry date 12/28/01] [5:99cv21164]

12/21/01 667 NOTICE AND ORDER OF DISMISSAL by defendant Synteni, Inc. in 5:99-cv-21164, defendant Incyte Pharmaceutica in 5:99-cv-21164. Judge Jeremy Fogel (5:99-cv-21163 5:99-cv-21111 5:99-cv-21164 5:99-cv-21111 5:99-cv-21165 5:99-cv-21164 5:99-cv-21111) (cc: all counsel) [5:99-cv-21164] (lrd) [Entry date 12/28/01] [5:99cv21164]

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Case Flags:  
TERMED  
CONSOL  
PROTO  
R/R

END OF DOCKET: 5:99cv21164

PACER Service Center			
Transaction Receipt			
02/22/2005 18:31:37			
PACER Login:	ke1070	Client Code:	41250-0001
Description:	docket report	Search Criteria:	5:99cv21164
Billable Pages:	94	Cost:	7.52

# **EXHIBIT I**



PATENT  
Attorney File No.: 1000.1B10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FODOR, et al.

Application No.: 10/098,203

Filed: March 15, 2002

For: NUCLEIC ACID READING AND  
ANALYSIS SYSTEM

Examiner: TBD

Art Unit: 1656

INFORMATION DISCLOSURE  
STATEMENT UNDER 37.CFR §1.97 and  
§1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants are hereby submitting references for the Examiner's consideration. However, they are mindful of the large number of references that have been cited in the IDS and attendant 1449 form filed herewith. These references have arisen during multiple litigations and oppositions involving patents that relate to the present application as well as the normal course of prosecution. Applicants have cited them to fulfill their duty of disclosure. In an effort to make the review of these references more manageable on the Examiner, Applicants have provided the PTO with multiple copies of two compact discs (CDs) with the references available for electronically viewing or searching. Previous versions of this IDS and CD set have been submitted to the PTO for references that were available at the time that the CDs were created. The current IDS incorporates additional references that have recently been disclosed in more recent litigation and a new version of the CDs (Version 3) has been prepared and sent to the PTO as discussed below.

Applicants representative, Mr. Philip McGarrigle, has provided the revised CDs to Supervisory Primary Examiners Michael Woodward and Gary Jones, and Special Examiner

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Application No.: 10/098,203  
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Cecilia Tsang. Previous versions were also given to these supervisors and Group Director John Doll. The CDs given to Mssrs. Woodward and Jones were for distribution to individual Examiners within their respective groups as they saw fit. The CDs presented to Examiner Tsang were to accompany the hard copies of the references in the IDS, which are in a central location in her office for the availability of all Examiners.

Of the two CDs that make up the IDS, one contains the articles and another contains patents/published applications. The CD containing the articles is in .pdf format and can be viewed by selecting the appropriate article as discussed below. The patent CD contains text versions and versions of the patents with the appropriate figures. It is fully searchable and contains a program that has the ability to search for specific terms or to use Boolean logic to formulate more specific searches. There are links within each full text patent to the patents that are cited therein.

The vendor who prepared the patent literature CD suggests that you open the README.HTML file in the root directory of the CD before use. It contains the directions on how to use the CD, as well as a hyperlink to the patent list. The CD that contains the articles suggests that you open "Index" or "Index2" to view images. You will see 1449 type forms which list the articles which can be opened by clicking on the hyperlinked number of the article in the left hand column.

Additionally, Applicants would like to notify the Examiner of inter party matters that relate to the present application. Two commonly owned patents US 5,744,305 and US 5,800,992 were involved in interference proceedings. Specifically, the interferences were Interference No. 104,359 between commonly owned US 5,744,305 and Brown et al., USSN 08/688,488, and Interference No. 104,358 between commonly owned US 5,800,992 and USSN 08/514,875. Both interferences were decided (subject to the current appeal in District Court of Northern California, Civil Case No. C99 21111-JF/EAD) by the USPTO in favor of real party in interest Affymetrix, the assignee of the present application. The Junior party challenged the

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patents on the basis of lack of enablement and written description under 35 USC §112, among other issues. The Junior party's initial position is set out in papers (with supporting information) entitled "Request for Declaration of Interference, 37 C.F.R. §1.608" in both interferences. The initial response of Senior party Patentee is set out in papers (with supporting information) entitled "Fodor's Opposition to Brown's Rule 608(b) Request" in both interferences.

Further, US 5,744,305 and US 5,800,992 are the subject of litigation (*Affymetrix, Inc. v. Hyseq, Inc.*, US District Court for the Northern District of California, San Francisco Division, Civil Action No. C98-03192 FMS, and *Affymetrix, Inc. v. Syntent, Inc. and Incyte Pharmaceuticals, Inc.*, US District Court for the Northern District of California, San Francisco, Case No. C98-4508 FMS (MEJ)). In the course of these proceedings, allegations of invalidity over prior art, lack of enablement, lack of support and inequitable conduct (relating to duty of candor, content of declarations under 37 CR §1.132, and arguments made during prosecution) were raised. These allegations are denied. In a more recent lawsuit with Incyte Genomics (*Incyte Genomics Inc. v. Affymetrix*, U.S. District Court, Northern district of California, San Francisco division and is Case No. C 00-3210 JF.), Affymetrix counterclaimed for patent infringement under U.S. patent 5,871,928 ('928) and 6,040,193. The '928 patent is in a related family to USPN 5,800,992 (above). Incyte filed their "Initial Disclosure of Prior Art" and the references cited therein have been included into the current IDS. Both the Hyseq and Incyte litigations were settled.

Further, oppositions have been filed against a related European application EP 619,321 in the European Patent Office, and a revocation proceeding was brought in the United Kingdom against related patents GB 2,248,840 and EP (UK) 0619 321. Collectively, these proceedings have generated a considerable number of references, which were cited on the information disclosure statement and CDs filed above. Applicants can provide copies of

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Application No.: 10/098,203  
Page 4

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litigation documents that may be of interest to the Examiner, but have not done so due to the extensive nature of the multiple litigation and papers filed therein.

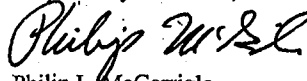
Applicants also wish to identify another interference that was declared between an application that is related to the present application. The application serial number is USSN 09/063,933 and the interference was declared with U.S. Patent No. 6,054,270 (E. Southern). The interference number was 104,658. There was an associated lawsuit in the Delaware District Court based on a related patent naming E. Southern, USPN, 5,800,637, and that was settled.

Hard copies of the references cited on the attached form PTO-1449 can be found in a "Master Binder Set" originally submitted to Examiner Tsang on January 27, 2000 and supplemented on dates thereafter.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 01-0431. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Philip L. McGarrigle  
Reg. No. 31,395

Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051





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PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/098,203
	<b>Filing Date</b>	3/15/02
	<b>First Named Inventor</b>	Fodor, et. al.
	<b>Group Art Unit</b>	TBD
	<b>Examiner Name</b>	TBD
<b>Total Number of Pages In This Submission</b>	<b>Attorney Docket Number</b>	1000.1b10

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; width: fit-content;">Return postcard</div>
<b>Remarks</b>		<b>Charge any additional fees required under 37 CFR 1.16 and 1.17 to Account No. 01-0431</b>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Philip L. McGarrigle- Reg No. 31,395
Signature	<i>Philip McGarrigle</i>
Date	5/30/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>	
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